

July 1, 2019

Mr. David Eppler
Enforcement Officer
United States Environmental Protection Agency
Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Steve Morton
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Via e-mail and First Class Mail

**Re: Response to CERCLA 104(e) Information Requests to Gulf States Utility Company
addressed to Paul Scheurich, Registered Agent; F.J. Doyle Salvage Superfund
Site, Leonard, Fannin County, Texas**

Dear Mr. Eppler:

Please find enclosed the Response of Entergy Services, LLC on behalf of Entergy Texas, Inc. and Entergy Louisiana, LLC., successors in interest to Gulf States Utility Company in the above-referenced matter.

If you have any questions, please feel free to contact me.

Very truly yours,

*Jenna Dean for: Steve Morton
w/ permission*

Steve Morton

Attachment

cc: Mr. Leonard Schilling
Office of Regional Counsel
U.S. EPA Region 6

9820274



Response to CERCLA 104(e) Information Request
F.J. Doyle Salvage Superfund Site, Leonard, Fannin County, Texas

Entergy Services, LLC hereby submits this Response on behalf of Entergy Texas, Inc. and Entergy Louisiana, LLC., successors in interest to Respondent Gulf State Utilities Company to the Environmental Protection Agency's ("EPA") CERCLA 104(e) Information Request dated June 5, 2019 addressed to Paul Scheurich as Registered Agent for Gulf State Utilities Company ("GSU") for the F.J. Doyle Salvage Superfund Site, Leonard, Fannin County, Texas ("Request").

GSU became Entergy Gulf States, Inc. in 1996 through a Certificate of Amendment filed with the Texas Secretary of State. In 2007, through a Certificate of Merger filed with the Texas Secretary of State, assets of Entergy Gulf States, Inc. were split into Entergy Texas, Inc. (for the Texas assets) and Entergy Gulf States Louisiana, L.L.C. (for the Louisiana assets). The assets of Entergy Gulf States Louisiana, L.L.C. were merged in 2015 with another entity, Entergy Louisiana, LLC, into new Entergy Louisiana, LLC. Entergy Services, LLC is the parent company to Entergy Texas, Inc. and Entergy Louisiana, LLC. Entergy Texas, Inc. and Entergy Louisiana, LLC are collectively referred to for purposes of this Response as "Entergy."

GSU received the Request through its Registered Agent, Mr. Scheurich, on June 18, 2019. This Response is timely because it is being delivered within 30 calendar days of receipt by the Registered Agent for GSU.

I. General Objections

A number of questions in the Request contain terms that are undefined, overly broad or ambiguous. Entergy has endeavored to provide responses and information in this Response that are based on its reasonable reading of the terms used in this Request. In so responding, Entergy is not waiving its objections to the lack of definition, overbreadth or ambiguity of the terms used in this Request.

Entergy reserves its right to withhold documents on the basis of legally recognized privileges, including the attorney-client and attorney work product privileges, and Entergy has not provided reports of self-analyses or self-audits (if any) on the basis of EPA policy.

Entergy has only provided information known by its own personnel, and Entergy has only reviewed or provided documents located in its own files.

Entergy objects to the Request to the extent that it seeks information beyond the scope of EPA's authority under Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C.A. Section 9601 et seq., "CERCLA"). EPA's Section 104(e) authority extends only to information reasonably relevant to the Agency's CERCLA enforcement and compliance powers. Entergy further objects to the Request to the extent it seeks information related to events and/or activities that are beyond EPA's authority and/or jurisdiction due to the applicability of any relevant statutes of limitation.

Entergy construes its obligations to respond to the Information Request as governed by the scope of the Agency's authority pursuant to Section 104(e), and has interpreted such requests on the premise that the Information Request is reasonably related to information relevant to the Agency's lawful objectives pursuant to Section 104(e).

In answering the CERCLA 104(e) Request, Entergy does not admit it is a generator of any hazardous substances as defined in CERCLA, that it arranged by contract or otherwise for disposal or treatment of any hazardous substances as defined in CERCLA, or that it accepted any hazardous substances as defined in CERCLA for transport to disposal or treatment with respect to the F.J. Doyle Salvage Superfund Site (hereinafter referred to as "the F.J. Doyle Site").

Entergy's production of documents does not represent or act as an admission that the contents of the documents are true, correct or accurate, nor does it act to authenticate such documents for the purposes of admissibility in any administrative or judicial proceeding.

This Response does not in any way constitute a waiver of any other objections Entergy may have as to the reasonableness and scope of the request.

Entergy reserves the right to supplement, amend, or revise this Response.

II. Global Response

Entergy Services, Inc. conducted a review of historical and current records and has made every effort to respond to this Request fully and accurately to the best of its ability. This included a multi-state search for responsive information involving multiple Entergy facilities, storage sites, and electronic databases.

Due to the historical nature of the records sought, Entergy Services, LLC's relationship to GSU, and Entergy's standard document retention policy, Entergy was unable to locate any hard-copy responsive documents. Entergy was also not able to locate any responsive information related to relevant pieces of equipment in an electronic database.

Entergy did not withhold information/documents on the basis of any legally recognized privileges, including the attorney-client and attorney work product privileges, or self-analyses or self-audits.

III. Individual Responses

1. Please provide the full legal name, mailing address, and phone number of the Respondent.

Entergy Services, LLC (on behalf of Entergy Texas, Inc. and Entergy Louisiana, LLC)
639 Loyola Avenue, 22nd Floor
New Orleans, LA 70113
(800) 968-8243

2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, business telephone and facsimile number.

The following are answering on behalf of Entergy Texas, Inc. and Entergy Louisiana, LLC

Susan Floyd
Senior Counsel - Environmental
Entergy Services, LLC
639 Loyola Avenue, 22nd Floor, New Orleans, LA 70113
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janessa.glenn@yahoo.com

3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, and facsimile number.

Counsel for Entergy Services, LLC
Steve Morton, Partner
K&L Gates LLP
2801 Via Fortuna, Suite 350
Austin, Texas 78746
Tel: 512-482-6869
steve.morton@klgates.com

4. Has any material or equipment owned or used by Respondent ever been sold to, supplied to, or otherwise turned over to FJ Doyle for scrapping, salvage, repair, consignment, resale or any other purpose?

Please see Global Response.

5. Has any material or equipment owned or used by Respondent ever been sent to the Site for scrapping, salvage, repair, consignment, resale, or any other purpose?

Please see Global Response.

6. If your answer to either or both questions is yes, provide a complete list of all such material or equipment, as well as any and all shipments thereof; include the following information with your response:

- a. The reason and approximate date(s) the material or equipment was taken out of service, and the date(s) sold, scrapped, disposed of, or otherwise turned over to FJ Doyle, or the date sent to the Site, if applicable.

N/A

- b. Describe the condition of the material or equipment when it was sold, scrapped, disposed of, or otherwise turned over to FJ Doyle, or sent to the Site, if applicable.

N/A

- c. List any amount of money paid or received by Respondent in relation to the sale, transfer, or delivery of the material or equipment. Indicate whether the price was reduced because of the inclusion of hazardous substances in the material or equipment.

N/A

- d. For each item of material or equipment, indicate whether it contained any oil when turned over to FJ Doyle. Supply any and all records that may indicate the contents of the oil, in particular whether the oil may have contained any PCBs. Indicate what steps were taken to determine whether the oil contained any PCBs at the time of taking out of service or of disposal, and explain what precautions were taken to ensure that any PCBs in the equipment were disposed of properly.

N/A

- e. Supply all documents pertaining to the transaction and to the movement or shipment of the material or equipment from your property, or from property where you operate.

N/A

- f. For each instance of equipment or material turned over to FJ Doyle or sent to the Site, indicate whether the equipment or material was transported by FJ Doyle, or by a separate company. In the case of the latter, identify both the individual and the company supplying the transportation services.

N/A

- g. Identify all persons who controlled and/or transported the material or equipment prior to delivery to the Site. Include job title, duties, dates performing those duties, supervisors' for those duties, current position, and if applicable, the date of the individual's resignation or termination.

N/A

- h. Provide the correct name and addresses of Respondent's plants and other facilities from which Respondent sold or supplied equipment or material to FJ Doyle or otherwise sent equipment or material to the Site.

N/A

- i. Provide a brief description of the nature of Respondent's operations at each plant or facility referenced above, including: the date such operations commenced and concluded; and types of work performed at each plant or facility, including but not limited to the industrial, chemical, or institutional processes and treatments undertaken at each plant or facility.

N/A

- 7. List, describe, and provide all documents relating to the information requested above. If any such documents have been destroyed, provide the dates of destruction.

Please see Global Response.

- 8. Did Respondent ever sell or supply transformers or any other oil-containing equipment to FJ Doyle or otherwise send transformers or any other oil-containing electrical equipment to the Site? If so, provide the following details for each item that was sold or supplied to FJ Doyle or may have been sent to the Site:

- a. the name of the manufacturer and serial number;
- b. the quantity of oil contained in the equipment;
- c. the concentration of PCBs contained in the oil;
- d. the purpose of the shipment (e.g., salvage, repair or resale);
- e. the date on which the equipment left your facility;
- f. the company name, address, and telephone number of the transporter; and
- g. the names, addresses, telephone numbers, and dates of ownership of any and all prior owners.

Please see Global Response.

- 9. Provide legible copies of any and all contracts, invoices, receipts, or other documents describing the transactions that Respondent implemented with FJ Doyle for each item identified in the question above.

No responsive information was found.

10. Provide legible copies of any and all contracts, invoices, receipts, or other documents related to the transaction that Respondent implemented with transporters to transport the items in the question above.

No responsive information was found.

11. Describe how both PCB-contaminated oil and uncontaminated oil were emptied from electrical transformers and capacitors or other electrical equipment and stored at Respondent's facilities.

Entergy objects to this Request as overly broad, in that it requests information on the current practices of Entergy, rather than the relevant time-frame for the transfer of equipment to the Site. Subject to this objection, as a matter of practice and company policy, Entergy currently handles and stores material from transformers and capacitors and other electrical equipment in accordance with applicable permits federal and state statutory and regulatory requirements by appropriately trained personnel.

Entergy assumes these same practices and procedures were used during the relevant time-frame.

12. Identify and describe, and provide all documents that refer or relate to, the following:

- a. How were hazardous substances or materials containing hazardous substances used or planned to be used at the Site?

Entergy believes this Request is asking how Doyle used or planned to use materials at the Site, and Entergy answers as such. Entergy has found no further information/knowledge beyond what might be available publically.

- b. What was done to any hazardous substances once they were sent to the Site, including any service, repair, recycling, treatment, or disposal?

Entergy has found no information/knowledge beyond what might be available publically.

- c. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?

Entergy has found no information/knowledge beyond what might be available publically.

- d. How were hazardous substances typically used, handled, or disposed of at the Site?

Entergy has found no information/knowledge beyond what might be available publically.

- e. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? When travelling to the Site, explain the details of the visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.

Entergy was unable to locate any records of any visit to the Site.

- f. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?

Entergy has found no information/knowledge beyond what might be available publically.

- g. Did Respondent have any influence over waste disposal activities at the Site? If so, how?

Entergy has found no information/knowledge beyond what might be available publically.

- h. Did Respondent know if the owner(s) and/or operator(s) of the Site were removing a hazardous substance from the transferred material?

Entergy has found no information/knowledge beyond what might be available publically describing the practices at the Site.

- i. Did Respondent know, based on general industry knowledge, if the hazardous substances would need to be removed from the transferred material in order for that material to be useful?

Generally speaking, Entergy is aware that oil is typically removed from a transformer or similar piece of equipment when such equipment is retired or refurbished.

- j. What percentage of Respondent's total hazardous substances went to the Site?

Entergy objects to the Request in that it seeks information beyond the scope of EPA's authority under Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C.A. Section 9601 et seq., "CERCLA"). EPA's Section 104(e) authority extends only to information reasonably relevant to the Agency's CERCLA enforcement and compliance powers at the Site. The percentage of GSU's "total hazardous substances" that may have been sent to the Site is wholly and completely irrelevant to EPA's CERCLA enforcement and compliance related to the Site and will not lead to any relevant information with respect to the Site. Further, the Request is broad and ambiguous. The term "total hazardous substances" does not distinguish between materials that might have been a "waste" verses those that might have been a "product" as those terms are defined for purposes of potential CERCLA liability.

Subject to and without waiving said objection, please see Global Response.

- k. What steps did Respondent take to dispose of or treat any hazardous substances among the materials transferred to the Site? Provide any agreements and documents, including waste logs, journals, or notes, reflecting these steps.

This Request is unclear. Entergy believes EPA is asking about the processes GSU took at its facilities to dispose or treat any hazardous substances prior to such substances (if any) being transferred to the Site. Subject to that understanding, see the Global Response.

- l. What involvement (if any) did Respondent have in selecting the particular means and method of disposal of the hazardous substances at the Site?

Please see Global Response

- m. At the time Respondent transferred the materials containing hazardous substances to the Site, what did Respondent intend to happen to the hazardous substances? Provide any agreements and documents, including waste logs, journals, or notes, reflecting the intention of the parties. If Respondent does not have such documents and/or materials, please so state.

Please see Global Response

- n. With respect to all arrangements involving materials containing hazardous substances, at the time of the arrangement, specify the measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owners/operators at the Site regarding the proper handling and ultimate disposition of the materials Respondent sent there?

Please see Global Response

- o. What efforts, if any, did Respondent take to investigate the nature of the operations conducted at the Site and the environmental compliance of the Site prior to selling, transferring, delivering (e.g., for repair, consignment, or joint-venture), disposing of, or arranging for the treatment or disposal of any hazardous substances.

Please see Global Response

- p. How long did Respondent have a relationship with the owner(s) and/or operator(s) of the Site?

Please see Global Response.

4. Provide names, addresses, telephone numbers, and email addresses of any individuals, including former and current employees, who may be knowledgeable of Respondent's operations and practices concerning the handling, storage and disposal of hazardous substances at the Site.

No Entergy employee or former employee has been located who had any institutional knowledge about the Site.

13. If any documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

Generally speaking, Entergy was unable to locate any hard-copy or electronic documents responsive to this Request. Further, it is possible responsive documents that once existed are no longer in existence as a result of Entergy's and/or GSU's general document retention policy.

14. If you believe there may be any person(s) able to provide a more detailed or complete response to any of the preceding questions and/or sub-questions or any person(s) who may be able to provide additional responsive documents, please identify such person(s) and the additional information you believe they may have.

None.

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